

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CHARLES A. PEARSON,
Plaintiff,

v.

CASE NO. 2:06-CV-828-MEF

K. L. BYRD, et al.,
Defendants.

**PLAINTIFF'S RESPONSE TO THE WRITTEN
REPORTS FILED BY THE DEFENDANTS**

Comes now the Plaintiff, Charles A. Pearson, pro-se, in the above styled cause, and pursuant to the order of this court files this his response to Defendants written reports and Plaintiff adopts and reincorporates all his previous filings in support of his claims:

Plaintiff's RESPONSE

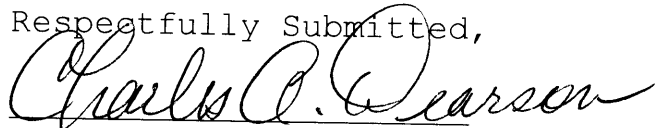
Plaintiff stands on his claims and arguments previously submitted and in support thereof, as ordered by this Court, submits the sworn affidavits of Michael

White and Desmond Payne, (see exhibits), each of whom have personal knowledge of the facts of this matter. Plaintiff asserts that an evidentiary hearing is required in this matter to resolve disputed facts before this court can make a ruling on the merits of this cause.

In addition, Plaintiff asserts that appointment of counsel should be ordered for plaintiff because he has a valid cause of action. Moreover, Plaintiff is incarcerated, unlearned in the law, and has tremendous problems getting documents and material for his pleadings, whereas an attorney can obtain needed material and adequately present the case.

Wherefore, the premises considered, Plaintiff strongly request that counsel be appointed to him and that the court order an evidentiary hearing be set in this cause.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Charles A. Pearson". The signature is written in black ink and is positioned below the text "Respectfully Submitted,".

Charles A. Pearson, pro-se

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by causing it to be placed in the U.S. Mail, postage prepaid and properly addressed on this 10th day of April, 2007, to the following:

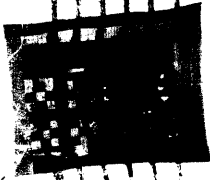
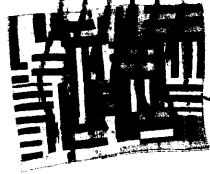
City of Montgomery
Legal Department
Kimberly O. Fehl
103 N. Perry St.
Montgomery, AL.
36104

Charles A. Pearson #182691

Charles A. Pearson #182691
H1-86A
1000 St. Clair Road
Springville, AL.
35146-5582

Charles Pearson # 182691
St. Clair Corr. Facility (H01-086A)
100 St. Clair Rd.
Springville, Ala. 35146

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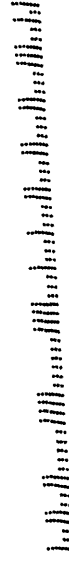
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Office of the Clerk
United States District Court
P.O. Box 711
Mont, Ala. 36101-0711

This correspondence is forwarded
from an Alabama State Prison. The contents
have not been evaluated, and the Alabama
Department of Corrections is not responsible
for the substance or content of the enclosed
communication.

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EXHIBITS

[AFFIDAVITS]

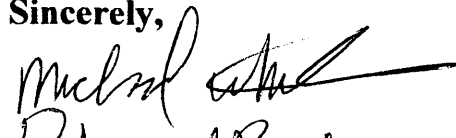
On October 3, 2005, I Micheal White witness the incident of Charles Pearson with an unknown Police Officer with the Montgomery Police Department. The officer used a taser gun on Charles Pearson that hit him in the chest. He then put his hand behind his back like he was told, they handcuff him and shackle his feet and dragged him to the car and throwed him in the back seat of the police car.

Next thing I saw was a police officer came running around the car on the other side and open the door grab his head and begin to choke him while another officer taser him with gun in his stomach. He was already handcuffed and feet shackle so it wasn't anything that he could do. He was screaming so we all move toward the car and the officers pull their guns out telling us to move back to the sidewalk.


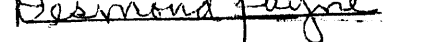
**I DECLARE UNDER PENALTY OF PERJURY, THAT THE
FOREGOING STATEMENT IS TRUE AND CORRECT.**

DATED: APRIL 2007

Sincerely,

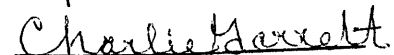

Micheal White

I Certify the Above is True and Correct

Sworn To and Subscribed Before Me

This 12th Day of April 2007



Notary Public


On October 3, 2005, I Micheal White witness the incident of Charles Pearson with an unknown Police Officer with the Montgomery Police Department. The officer used a taser gun on Charles Pearson that hit him in the chest. He then put his hand behind his back like he was told, they handcuff him and shackle his feet and dragged him to the car and throwed him in the back seat of the police car.

Next thing I saw was a police officer came running around the car on the other side and open the door grab his head and begin to choke him while another officer taser him with gun in his stomach. He was already handcuffed and feet shackle so it wasn't anything that he could do. He was screaming so we all move toward the car and the officers pull their guns out telling us to move back to the sidewalk.

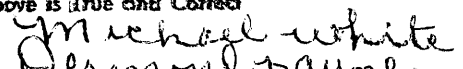
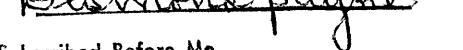
**I DECLARE UNDER PENALTY OF PERJURY, THAT THE
FOREGOING STATEMENT IS TRUE AND CORRECT.**

DATED: APRIL 2007

Sincerely,

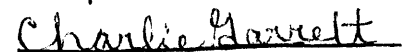

Micheal White

I Certify the Above is True and Correct

Sworn To and Subscribed Before Me

This 12th Day of April, 2007


Notary Public

On October 3rd, 2005, I Desmond D. Payne did witness to the incident of Charles Pearson with The Montgomery Police Department for Excessive Force. The unknown officer grabbed Charles Pearson and shoved him onto the patrol car, and I heard Mr. Charles Pearson asked the officers what was the problem. All of a sudden out of no where, one of the unknown officers had hit him with a taser gun and it went into his chest. Charles Pearson was hollering to the officer to stop and the police officer was continuing to tase him over and over again.

They asked Charles Pearson to put his hands behind his back, and Charles did exactly what was told. They handcuff, shackle his legs, drag and throw him in the car. Next I seen an officer ran around to the passenger side of the back door of the police car and grab Charles around the neck and was choking him. Then, two other officers with the taser gun had jump in the other side the car and were tasing him, punching him in the side of his stomach and Charles Pearson was screaming and asking for help. They closed the rear door of the car and went away with Charles Pearson to the Police Station.

**I DECLARE UNDER PENALTY OF PERJURY, THAT THE
FOREGOING STATEMENT IS TRUE AND CORRECT.**

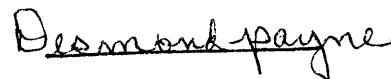
DATED: April 2007

Respectfully submitted,



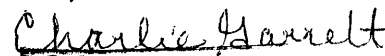
Desmond D. Payne

I Certify the Above is True and Correct



Sworn To and Subscribed Before Me

This 12th Day of April 2007


Notary Public